

Volume 26, Number 17  
Pages 1617-1786  
September 4, 2001



Matt Blunt  
Secretary of State

# MISSOURI REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER  
Office of the Secretary of State  
Administrative Rules Division  
PO Box 1767  
Jefferson City, MO 65102

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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Register Filing Deadlines	Register Publication	Code Publication	Code Effective
June 1, 2001 June 15, 2001	<b>July 2, 2001</b> <b>July 16, 2001</b>	July 31, 2001 July 31, 2001	Aug. 30, 2001 Aug. 30, 2001
June 29, 2001 July 13, 2001	<b>Aug. 1, 2001</b> <b>Aug. 15, 2001</b>	Aug. 31, 2001 Aug. 31, 2001	Sept. 30, 2001 Sept. 30, 2001
Aug. 1, 2001 Aug. 15, 2001	<b>Sept. 4, 2001</b> <b>Sept. 17, 2001</b>	Sept. 30, 2001 Sept. 30, 2001	Oct. 30, 2001 Oct. 30, 2001
Aug. 31, 2001 Sept. 14, 2001	<b>Oct. 1, 2001</b> <b>Oct. 15, 2001</b>	Oct. 31, 2001 Oct. 31, 2001	Nov. 30, 2001 Nov. 30, 2001
Oct. 2, 2001 Oct. 16, 2001	<b>Nov. 1, 2001</b> <b>Nov. 15, 2001</b>	Nov. 30, 2001 Nov. 30, 2001	Dec. 30, 2001 Dec. 30, 2001
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December 3, 2001 December 17, 2001	<b>January 2, 2002</b> <b>January 16, 2002</b>	January 29, 2002 January 29, 2002	February 28, 2002 February 28, 2002
January 2, 2002 January 16, 2002	<b>February 1, 2002</b> <b>February 15, 2002</b>	February 28, 2002 February 28, 2002	March 30, 2002 March 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.



## **FROM THIS ANGLE ....**

### **Internal Policy on Rulemaking Procedures**

Please remember you should adopt and have on hand in your agency or division, a written internal policy on rulemaking. Please refer to section 536.016, RSMo 2000.

### **Coming soon -- SUGGESTION BOX**

The next time you are in the office to file rules, you may notice a "Suggestion Box" on our front counter. Please feel free to drop your suggestions in the box, and, either sign your name or do so anonymously, and provide us with any tips or suggestions of how we might better serve you, our customer. We are here to help you and want to be attentive to your thoughts and suggestions.

### **Have you checked your rules recently?**

Many agencies have old, out-of-date forms contained in the body of their rules. Have you looked at your rules lately and considered changing your rule to remove an old form and perhaps referring readers to your web-site for the most current form for your agency? Many agencies are adopting this practice as they revise their respective rules.

### **Why are we republishing your rules in Code?**

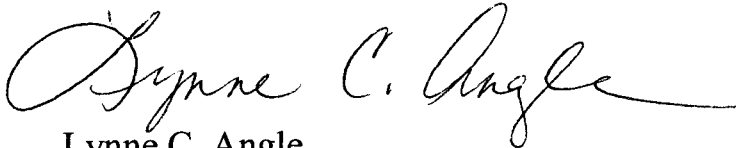
Our staff is diligently working on rules that have been copied into our electronic files but have not been updated and proofed since the transfer into our present system. This would include all rules that have not been updated since 1995.

In an effort to have the most accurate Code possible, (and as an end result, assist us in our ongoing effort to improve our web product) these rules are being republished. If you have any rules that fall into this category, one of our editors either has or will be in touch with you prior to republishing to let you know your rules are being republished in a particular update.

**Remember . . . we are here to help you!**

If you are looking at a change in your rule(s) within your agency, please remember to call us for the exact copy of your rule that is presently in Code. This will make the process of revising your rule much easier for you. We can either e-mail or provide you with a CD copy of the same.

As always, please feel free to contact us if we may be of assistance to you. It is our privilege to help you in any stage of the rulemaking process.

A handwritten signature in cursive script, reading "Lynne C. Angle". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Lynne C. Angle,  
Director, Administrative Rules Division

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 100—Missouri Agricultural and Small Business  
Development Authority  
Chapter 10—New Generation Cooperative Incentive  
Tax Credit Program**

**PROPOSED RULE**

**2 CSR 100-10.010 Description of Operation, Definitions, and  
Method of Distribution and Repayment of Tax Credits**

*PURPOSE: This rule describes the operation of the program, defines terms, establishes the method used to distribute the tax credits, and repayment of tax credits.*

**(1) General Organization.**

(A) The Missouri Agricultural and Small Business Development Authority is authorized to issue new generation cooperative incentive tax credits to members of an eligible new generation cooperative as defined in section 348.432, RSMo.

**(2) Definitions. As used in this rule, the following shall mean:**

(A) "Employee Qualified Capital Project": One hundred full-time employees or equivalent must be employed no later than twenty-four (24) months from the time the eligible new generation cooperation becomes operational. One hundred (100) full-time employees or equivalent must be maintained for a period of at least five (5) years. Full-time employee is defined as a person working at least thirty-five (35) hours per week. Equivalent employee includes part-time employees fifteen to twenty-five (15-25) hours per week as 1/2 employees and part-time employees working twenty-six to thirty-four (26-34) hours per week as 3/4 employees. Full-time employees and/or equivalency must be certified to the Missouri Agricultural and Small Business Development Authority (the "Authority") on or before the anniversary date of the tax credits issuance for each of the first five (5) years after reaching the required one hundred (100) employees and may be verified more frequently at the discretion of the Authority;

(B) "Employee": An employee of the eligible new generation cooperative is someone who works a minimum of thirty-five (35) hours per week for fifty-two (52) weeks in a twelve (12)-month period;

(C) "Maintenance of one hundred (100) employees": One hundred (100) employees, once reached during or at the end of the twenty-four (24)-month period, must be maintained on a continuous basis for sixty (60) months.

**(3) Operation of the Program.**

(A) Application—New generation cooperative applicants may submit applications to the Authority on a continuous basis. In Fiscal Year 2001 through December 31, 2010 (when the tax credit provision expires), up to six (6) million dollars in tax credits are available per fiscal year. Of these tax credit allocation amounts, each year the Authority will reserve ten percent (10%) of the credits for "small capital projects." The balance of tax credits will be available to "large capital projects" and "employee qualified capital projects." After December 31 of each year, the Authority will release any unallocated "small capital project" tax credits for "large capital projects" and "employee qualified capital projects" or any unallocated "large capital projects" and "employee qualified capital projects" tax credits to "small capital project."

(B) Issuance—Tax credits will be issued on a first-come, first-serve basis when the required criteria specified herein is met. If the Authority receives more tax credit applications (FORM A) than the amount of available tax credits then those credits which exceed the available amount will be placed on a waiting list to be issued once additional tax credits become available.

(C) Allocation—In allocating tax credits to projects, priority will be given to those projects not having previously received a new generation cooperative incentive tax credit allocation. The Authority will provide a letter of conditional approval to any eligible new generation cooperative applicant that conforms to the law and guidelines stated herein. The amount of tax credits which may be issued to a member will be the least of:

1. Fifty percent (50%) of the member's cash investment;
2. Fifteen thousand dollars (\$15,000);
3. Member's proration of the maximum amount of tax credits allocated to the project as described below.

(D) Proration—If members' investment in a new generation "large capital project" cooperative would be eligible for tax credits in excess of the project's allocation (maximum allocation per

project is \$1.5 million) or "employee qualified capital project" (maximum allocation per project is \$3.0 million), tax credits will be prorated between members on a percent of investment basis, not to exceed the maximum allowed per member. The proration will be calculated as follows based on applications received by members for each approved eligible new generation cooperative:

1. The amount of each member's investment multiplied by fifty percent (50%) will determine the maximum eligible tax credit, not to exceed fifteen thousand dollars (\$15,000).

2. The sum of members' maximum eligible tax credits will be calculated.

3. The amount of tax credits approved for the new generation tax credit divided by the sum of members' maximum eligible tax credits equals the percentage of proration.

4. The percentage of proration multiplied by the member's maximum eligible tax credit equals the amount of tax credit which may be issued to each member.

(E) Repayment of Tax Credits—The Authority may revoke, in full or part, any credits if—1) any representation made to the Authority in connection with an application proves to have been false when made; 2) the application violates any conditions established by the Authority; or 3) the full-time employees or equivalency requirements are not met. In the event credits must be revoked as a result of underemployment for "employee qualified capital projects," the credit payback amount will be prorated over a sixty (60)-month percentage basis. Repayment may be in the form of a cash payment or by voluntary relinquishment of the tax credits.

*AUTHORITY: section 348.432, RSMo 2000. Original rule filed July 26, 2001.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Agriculture, Attention: Tony Stafford, Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 15—Acupuncturist Advisory Committee Chapter 1—General Rules**

#### **PROPOSED RULE**

#### **4 CSR 15-1.010 Public Information, Complaint Handling and Disposition**

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of requests for information and complaints.*

(1) All public records of the Missouri Acupuncturist Advisory Committee shall be open for inspection and copying by any member of the general public during normal business hours (8 a.m. to 5 p.m. Monday through Friday, holidays excepted) except for those records closed pursuant to section 610.021, RSMo.

(2) The State Board of Chiropractic Examiners establishes the executive director of the board as custodian of the advisory committee

records as required by section 610.023, RSMo. The executive director is responsible for maintaining advisory committee records of meeting proceedings and responding to requests for access to public records.

(3) The Acupuncturist Advisory Committee will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.475 to 324.499, RSMo. Any member of the public or the profession, or any federal, state or local official may make and file a complaint with the Acupuncturist Advisory Committee. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Acupuncturist Advisory Committee may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(4) Complaints shall be mailed or delivered to the following address: Acupuncturist Advisory Committee, PO Box 672, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(5) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(6) Upon receipt of a complaint in proper form, the division, board, or advisory committee may investigate the actions of the licensee, applicant, registrant or unlicensed individual or entity against whom the complaint is made. In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant, registrant or unlicensed individual or entity under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

(7) The advisory committee will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address; subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(8) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(9) This rule shall not be deemed to limit the division, board or advisory committee authority to file a complaint with the Administrative Hearing Commission (AHC) charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(10) The division, board and advisory committee interpret this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may

institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.475 through 324.499, RSMo.

*AUTHORITY: sections 324.481, 324.496, 324.499, 620.010.14(7) and 620.010.15(6), RSMo 2000. Original rule filed July 24, 2001.*

*PUBLIC COST: The public entity cost for this proposed amendment is estimated at five hundred forty-eight dollars (\$548) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 1 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-1.010 Public Information, Complaint Handling and Disposition

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Annual Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$280
Expense & Equipment	\$0	\$50
Transfers	\$0	\$218
<b>TOTAL</b>	<b>\$0</b>	<b>\$548</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

**Table 3— Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

**Table 4— Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.020 Acupuncturist Credentials, Name and Address Changes**

*PURPOSE: This rule specifies the title that shall be used by a licensed acupuncturist and requirements for maintaining current licensee information.*

(1) Any person licensed as an acupuncturist shall use the abbreviations L.AC. or the licensure title Licensed Acupuncturist after the licensee's name.

(2) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that licensee.

(3) A licensee whose name has changed shall, within thirty (30) days of such change:

(A) Notify the board in writing of the change and provide a copy of the appropriate document indicating the change; and

(B) Destroy the license bearing the former name.

(4) A licensee whose address and/or telephone number has changed from that printed on the license shall inform the advisory committee, in writing, within thirty (30) days of the effective date of the change.

*AUTHORITY: section 324.481, RSMo 2000. Original rule filed July 24, 2001.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated five hundred forty-eight dollars (\$548) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**V. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 1 – General Rules

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-1.020 Acupuncturist Credentials, Name and Address Changes

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**VI. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

**VII. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process name and address changes and supporting documentation.
- 2) Expense and equipment costs are incurred issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Annual Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 4%	Enforcement – 1%
Personal Service	\$225	\$56
Expense & Equipment	\$40	\$10
Transfers	\$175	\$42
<b>TOTAL</b>	<b>\$440</b>	<b>\$108</b>

**VIII. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

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Allotment	Percentage & Category	Dollar Amount
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In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.030 Fees**

*PURPOSE: This rule establishes the various fees and charges for the Acupuncturist Advisory Committee.*

(1) All fees shall be paid by cashier's check, personal check, money order, or other method approved by the division and must be made payable to the Acupuncturist Advisory Committee.

(2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.

(3) The fees are established as follows:

(A) Acupuncturist Application Fee	\$700.00
(B) Acupuncturist Biennial Renewal Fee	\$700.00
(C) Fingerprinting Fee	\$ 23.00
(D) Insufficient Funds Check Charge Fee	\$ 25.00

(4) All fees are nonrefundable.

*AUTHORITY: sections 324.481, 324.487, 324.490 and 324.493, RSMo 2000. Original rule filed July 24, 2001.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.010 Application for Licensure**

*PURPOSE: This rule outlines the requirements for applying for licensure as an acupuncturist.*

(1) Application for licensure shall be made on a form provided by the Acupuncturist Advisory Committee. Applications may be obtained by written request to the advisory committee at PO Box 672, Jefferson City, MO 65102-0672, or by calling the advisory committee office at (573) 751-1655 or contacting the advisory committee by e-mail at acupunct@mail.state.mo.us.

(2) The application shall be typewritten or printed in black ink, signed, notarized, and accompanied by all documents required by the advisory committee and the application fee as defined in 4

CSR 15-1.030(3)(A). Documentation required to be submitted with the application shall include, but is not limited to the following:

(A) Two (2) sets of fingerprints and the applicable fee as defined in 4 CSR 15-1.030(3)(C);

(B) Proof that the applicant is at least twenty-one (21) years of age as demonstrated by one (1) of the following:

1. Driver's license or identification (ID) card issued by a state or jurisdiction of the United States provided the ID includes a photograph and date of birth;

2. ID card issued by federal, state, or local government agency or entity provided the ID includes a photograph and date of birth;

3. Certified copy of a birth certificate issued by a state, county, municipal authority or jurisdiction of the United States bearing an official seal;

4. United States citizen ID card provided that the ID includes the date of birth;

5. ID card used as a resident citizen in the United States provided the ID includes the date of birth.

(3) An applicant for licensure based upon certification by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) shall be currently certified as a diplomate in acupuncture by NCCAOM. The applicant shall be responsible for authorizing NCCAOM to verify certification to the advisory committee and verification of certification shall be sent to the advisory committee by NCCAOM.

(A) An applicant for licensure with a course of study from a school or program outside the United States may be considered in compliance with these rules if the applicant is certified as a diplomate in acupuncture by NCCAOM.

(4) A person applying for licensure based upon current licensure, certification or registration in another state or jurisdiction of the United States shall comply with sections (1) and (2) of this rule and shall submit the following:

(A) A copy of the state's or jurisdiction of the United States' laws, rules and regulations pertaining to the regulation of acupuncture; and

(B) Verification of licensure, certification or registration as an acupuncturist to be provided directly to the advisory committee office from the state, or jurisdiction of the United States regulatory agency, that shall include:

1. Status of the applicant's license;

2. License original issue date and if there has been any lapse in the license;

3. License expiration date; and

4. Information regarding any complaints, investigations or disciplinary action.

(5) The advisory committee shall review the information submitted for licensure based on licensure, certification or registration in another state or jurisdiction of the United States to determine equivalency with Missouri requirements for acupuncture licensure.

(6) After review of an application by the advisory committee, the applicant will be informed in writing concerning the results of the review.

*AUTHORITY: sections 324.481, 324.487 and 324.493, RSMo 2000. Original rule filed July 24, 2001.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated three thousand eight hundred thirty-three dollars (\$3,833) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually*

at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated thirty thousand seven hundred thirty-four dollars (\$30,734) for the first year of implementation of the rule. Thereafter, the committee is anticipating an annual growth rate of two (2) licensees. Therefore, the committee estimates that the private entity cost to comply with this rule after the first year will be one thousand five hundred thirty-eight dollars (\$1,538) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$3,833.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Annual Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 30%	Enforcement – 5%
Personal Service	\$1,680	\$280
Expense & Equipment	\$300	\$50
Transfers	\$1,305	\$218
<b>TOTAL</b>	<b>\$3,285</b>	<b>\$548</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and



equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 30% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
40	Individuals (application fee)	\$28,000.00
40	Individuals (verification by the National Certification Commission for Acupuncture and Oriental Medicine)	\$1,000
40	Individuals (fingerprinting fees)	\$920.00
40	Individuals (photograph fees)	\$300.00
40	Individuals (notary)	\$100.00
40	Individuals (transcript)	\$400.00
40	Individuals (postage)	\$14.00

**Estimated Cost of Compliance for the First Year  
of Implementation of the Rule** **\$30,734.00**

**Estimated Annual Cost of Compliance for the  
Life of the Rule** **\$1,538.00**

**III. WORKSHEET**

Application fee @ \$700.00  
Verification fee @ \$25.00  
Fingerprinting fee @ \$23.00  
Photograph fee @ \$7.50  
Notary @ \$2.50  
Transcript @ \$10.00  
Postage @ \$.34

**IV. ASSUMPTIONS**

1. The board anticipates forty (40) individuals will apply for licensure during the first year of implementation of the rule based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list.
2. The private entity cost for this proposed rule is estimated to be \$30,734.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$1,538.00 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.020 License Renewal, Restoration and Continuing Education**

*PURPOSE:* This rule outlines the requirements for the renewal and restoration of licensure and the required continuing education to maintain a license.

(1) A license shall be renewed on or before the expiration date of the license by submitting the completed renewal form along with the renewal fee. Failure of a licensee to receive the notice and application to renew the license shall not excuse the licensee from the requirements of section 324.487, RSMo to renew that license.

(2) Receipt of the renewal form and fee postmarked after the expiration date of the license shall cause the license to become not current and a licensee who continues to practice without a valid license shall be deemed to be practicing in violation of sections 324.475 to 324.499, RSMo and subject to the penalties contained therein.

(3) Prior to the expiration date of the license and as a condition of the license renewal, a licensed acupuncturist shall complete thirty (30) hours of continuing education within the two (2)-year licensure period. Continuing education shall be related to the practice of acupuncture. For the first year of licensure continuing education hours shall not be required.

(4) A person may submit an application to restore a license that has been expired for not more than two (2) years after the expiration date. The application shall be submitted in compliance with 4 CSR 15-2.010 and accompanied by the required fee.

(5) Violation of any provision of this rule shall be grounds for discipline in accordance with section 324.496, RSMo.

*AUTHORITY:* sections 324.481, 324.490 and 324.496, RSMo 2000. Original rule filed July 24, 2001.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions an estimated one thousand ninety-six dollars (\$1,096) biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated thirty-four thousand four hundred fifty-five dollars (\$34,455) during the second year of implementation of the rule. Thereafter the committee anticipates an increase in the number of licensees by four (4) per biennial renewal period. Therefore, the committee estimates that the private entity cost will be thirty-four thousand four hundred fifty-five dollars (\$34,455) biennially with a continuous biennial increase of three thousand two hundred eighty-four dollars (\$3,284) for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 2 – Acupuncturist Licensure Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-2.020 License Renewal, Restoration, and Continuing Education

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$1,096

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing a mailing renewal licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Biennial Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 4%	Enforcement – 1%
Personal Service	\$450	\$112
Expense & Equipment	\$80	\$20
Transfers	\$350	\$84
<b>TOTAL</b>	<b>\$880</b>	<b>\$216</b>

#### IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These biennial costs will recur for the life of the rule; may vary with inflation; and are expected to increase biennially at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 4% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15 - Missouri Acupuncturist Advisory Committee**Chapter:** 2 – Acupuncturist Licensure Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-2.020 License Renewal, Restoration and Continuing Education

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (renewal fee)	\$29,400.00
42	Individuals (continuing education fee)	\$5,040.00
42	Individuals (postage)	\$14.00
<b>Estimated Cost of Compliance for the Second Year of Implementation of the Rule</b>		<b>\$34,455.00</b>

**Estimated Annual Cost of Compliance for the Life of the Rule****\$34,455.00 biennially with a continuous biennial increase of \$3,284.00****III. WORKSHEET**

Renewal fee @ \$700.00

Continuing education fee @ \$120 biennially per person

Postage @ \$.34

**IV. ASSUMPTIONS**

1. The board anticipates forty-two (42) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010.
2. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education (i.e., mileage, food, lodging and etc.)
3. The private entity cost for this proposed rule is estimated to be \$34,455.00 for the second year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by four (4) per biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010. Therefore, the

board estimates that the private entity cost to comply with this rule will be \$29,400.00 biennially with a continuous biennial increase of \$3,284.00 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.010 Standards of Practice**

*PURPOSE: This rule establishes standards of practice for licensed acupuncturists.*

(1) A licensed acupuncturist is strongly encouraged to maintain professional liability insurance coverage.

(2) Each acupuncturist shall:

(A) Practice within the scope of education and training as defined in section 324.475, RSMo;

(B) Disclose the acupuncturist's legal name and license number on all documentation regarding the practice of acupuncture and advertisements;

(C) When offering gratuitous services or discounts in connection with acupuncture, the offer shall clearly and conspicuously state whether or not additional charges may be incurred by related services as well as the range of such additional charges;

(D) Post the license at the place of work or provide the patient documentation of licensure. Patient is defined as any individual for whom the practice of acupuncture, as defined in section 324.475(1), RSMo is provided;

(E) Prior to performing initial acupuncture services, document in writing patient assessment information. Written patient assessment information shall include, but not be limited to the following:

1. Purpose of the visit;
2. Presence and location of pain and any preexisting conditions;
3. Allergies and current medication used and for what purpose;
4. If the patient is under the care of any health or mental health care professional;
5. Surgical history;
6. Signed consent for treatment and date signed;
7. Inform patient concerning fees and financial arrangements;

(F) Update patient records at each session. Such updated patient record information shall include, but shall not be limited to the following:

1. Changes or additions regarding patient assessment;
2. Date and type of acupuncture service provided;
3. The signature of the acupuncturist, license number, and when applicable the name of the detox technician or acupuncturist trainee that provided the acupuncture service;

(G) Provide current information concerning anticipated course of treatment;

(H) Safeguard the maintenance, storage, and disposal of records of patients so that unauthorized person(s) shall not have access to patient records; and

(I) Inform a patient regarding the limits of confidentiality when providing services.

(3) An acupuncturist shall not delegate acupuncture duties to a person that is not qualified or licensed to perform acupuncture.

(4) For the purpose of this rule, but not necessarily for other legal purposes, an acupuncturist shall maintain patient records for a minimum of five (5) years after the date of service is rendered, or not less than the time required by other applicable regulations, if that time is longer than five (5) years.

(5) If services are to be provided by an acupuncturist trainee or detox technician the patient shall be advised in advance.

(6) Acupuncturists, auricular detox technicians, and acupuncturist trainees under the supervision of a licensed acupuncturist shall follow the standards for Clean Needle Technique (CNT) as published by the National Acupuncture Foundation in effect at the time the acupuncture service is performed, and shall follow universal precautions.

(A) For the purpose of this rule, "universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

(7) All disposable needles shall be disposed of immediately after use and placed in a biohazard container as required by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

(8) When reusable needles are used, a basic, double sterilization procedure protocol shall be utilized. Specific procedures of the protocol are outlined in the *Clean Needle Technique Manual* published by the National Acupuncture Foundation. The procedures include, but are not limited to the following:

(A) Immediately after each use, the reusable needle shall be stored in a container designated for contaminated needles. Initial sterilization may be obtained by using a chemical sterilant;

(B) After the first sterilization, the needle shall be soaked in a chemical disinfectant as defined in section (10) of this rule; and

(C) Final sterilization procedures shall conform to one of the following:

1. Pressurized steam bath, such as an autoclave, at a required two hundred fifty degrees Fahrenheit (250°F), at fifteen (15) pounds pressure for thirty (30) minutes. The pressure must be released quickly at the end of the sterilization cycle; or

2. Dry heat sterilization at a required three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours.

(9) Glass bead devices, boiling water, alcohol and pressure cookers shall not be acceptable forms of sterilization.

(10) After each patient, a chemical disinfectant shall be used on all equipment that does not penetrate the skin, come into direct contact with needles, or is made of rubber or plastic. Chemical disinfectants include, but are not limited to:

(A) Chlorine-based agents, such as bleach;

(B) Aqueous solution of two percent (2%) glutaraldehyde;

(C) Seventy percent (70%) ethyl or isopropyl alcohol.

*AUTHORITY: sections 324.481 and 324.496, RSMo 2000. Original rule filed July 24, 2001.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated two thousand one hundred ninety dollars (\$2,190) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will cost private entities an estimated twenty one thousand dollars (\$21,000) for the first year of implementation of the rule. Thereafter, the committee is anticipating an annual growth rate of two (2) licensees. Therefore, the committee estimates that the private entity cost to comply with this rule will be twenty one thousand dollars (\$21,000) annually with*

*a continuous annual increase of one thousand dollars (\$1,000) for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 3- Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$2,190

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 20%
Personal Service	\$0	\$1,120
Expense & Equipment	\$0	\$200
Transfers	\$0	\$807
<b>TOTAL</b>	<b>\$0</b>	<b>\$2,190</b>

#### IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee. size and then adjusted accordingly to reflect the expected number of licensees

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15 - Missouri Acupuncturist Advisory Committee**Chapter:** 3 - Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (liability insurance)	\$21,000.00
<b>Total Cost of Compliance for the First Year of Implementation of the Rule</b>		<b>\$21,000.00</b>
<b>Total Annual Cost of Compliance</b>		<b>\$21,000.00 plus an annual continuous increase of \$1,000.00</b>

**III. WORKSHEET**

Liability insurance @ \$500.00

**IV. ASSUMPTIONS**

1. The board's estimate regarding the liability insurance is based on an average cost obtained from several insurance companies.
2. Missouri statutes and rules do not mandate that licensed acupuncturists carry liability insurance, however, because practitioners are encouraged to carry such insurance, the cost has been included in this fiscal note.
3. The private entity cost for this proposed rule is estimated to be \$21,000.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by two (2) annually based on the assumptions detailed in 4 CSR 15-2.010. Therefore, the board estimates that the private entity cost to comply with this rule will be \$21,000.00 annually with a continuous annual increase of \$1,000.00 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.020 Code of Ethics**

*PURPOSE:* This rule establishes the code of ethics for applicants and acupuncturists.

- (1) All applicants and licensees shall:
- (A) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession of acupuncture;
  - (B) Conduct business and activities relating to acupuncture with honesty and integrity;
  - (C) Respect and protect the legal and personal rights of the patient/client, including the right to informed consent, refusal of treatment, and refrain from endangering patient health, safety or welfare;
  - (D) Refuse to participate in illegal or unethical acts, or conceal illegal, unethical or incompetent acts of others;
  - (E) When conducting research the acupuncturist shall comply with federal, state and local laws or rules and applicable standards of ethical procedures regarding research with human subjects;
  - (F) Comply with all state and federal laws and regulations regarding the practice of acupuncture;
  - (G) Not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills;
  - (H) Within the limits of the law, an acupuncturist shall report to the advisory committee all knowledge pertaining to known or suspected violations of the laws and regulations governing the practice of acupuncture that is not confidential and/or any other applicable state or federal laws and rules. The acupuncturist shall cooperate with any investigation or proceeding.

- (2) An acupuncturist shall not:
- (A) Encourage unnecessary or unjustified acupuncture services;
  - (B) Engage in any verbally or physically abusive behavior with a patient/client, detox technician or trainee;
  - (C) Exploit a patient/client, detox technician or trainee for the purpose of financial gain. For the purpose of this rule exploitation shall be defined as any relationship between the acupuncturist, patient/client, technician, or trainee that may cause harm to the patient/client, technician or trainee;
  - (D) Accept gifts or benefits intended to influence a referral, decision or treatment that are primarily for personal gain;
  - (E) Engage in or exercise influence concerning sexual activity with a patient, trainee(s) or detox technician during an ongoing professional relationship with such person or within six (6) months after termination of such professional relationship:

1. For the purpose of this rule sexual activity shall include but not be limited to kissing, touching, caressing by any person or between persons that is intended to erotically stimulate either person, or which is likely to cause such stimulation and includes sexual intercourse, sodomy, fellatio, cunnilingus, masturbation, oral copulation, and penetrating the anal or vaginal opening with any thing. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm or ejaculation has occurred. For the purpose of this rule, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal.

- (3) Failure of an applicant to adhere to the code of ethics constitutes unprofessional conduct and may be grounds for denial or discipline of a license.

*AUTHORITY:* sections 324.481 and 324.496, RSMo 2000. Original rule filed July 24, 2001.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions an estimated two thousand one hundred ninety dollars (\$2,190) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Division of Professional Registration**  
**FISCAL NOTE**  
**PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 3- Standards of Practice, Code of Ethics, Professional Conduct**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-3.020 Code of Ethics

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$2,190

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for mailing correspondence;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 20%
Personal Service	\$0	\$1,120
Expense & Equipment	\$0	\$200
Transfers	\$0	\$807
<b>TOTAL</b>	<b>\$0</b>	<b>\$2,190</b>

#### IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

**Table 3— Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

**Table 4— Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)